

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

Patrick Knisely,

Plaintiff,

v.

Southwest Credit Systems, L.P.
c/o CT Corporation System
1300 East Ninth Street
Cleveland, OH 44114

Defendant.

Case No.

COMPLAINT

Jury Demand Requested

JURISDICTION AND VENUE

- 1- This court has jurisdiction pursuant to 28 U.S.C. §1331 and 15 U.S.C. §1692k(d).
- 2- Venue is proper because a substantial part of the events giving rise to this claim occurred in this District.

PARTIES

- 3- Plaintiff is a resident of the State of Illinois.
- 4- Plaintiff incurred an obligation to pay money, the primary purpose of which was for personal, family, or household uses (the "Debt").
- 5- Defendant is a corporation with its principal place of business in the State of Ohio.
- 6- Defendant uses instruments of interstate commerce for its principal purpose of business, which is the collection of debts.
- 7- Defendant regularly attempts to collect, or attempts to collect, debts owed or due another.
- 8- At all times relevant, Defendant owned the Debt or was retained to collect the Debt.

FACTS COMMON TO ALL COUNTS

- 9- On or around April 18, 2012, Plaintiff filed a voluntary bankruptcy petition that included the Debt.
- 10- In August 2012, Plaintiff obtained a discharge that included the Debt.
- 11- On or around October 4, 2012, Defendant sent Plaintiff a letter declaring that the Debt was due in full.
- 12- At the time of this communication, Defendant knew, or should have known, that Plaintiff had filed a bankruptcy petition.
- 13- Defendant's attempt to collect a debt that is part of Plaintiff's bankruptcy violates the FDCPA. *See Ross v. RJM Acquisitions Funding, LLC*, 480 F.3d 493 (7th Cir. 2007).
- 14- Defendant damaged Plaintiff.
- 15- Defendant violated the FDCPA.

COUNT I

- 16- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.
- 17- Defendant violated 15 USC § 1692e(2) by trying to collect a debt that Defendant knew, or should have known, was included in Plaintiff's bankruptcy, thereby misrepresenting the legal status of the debt

COUNT II

- 18- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.
- 19- Defendant violated 15 USC § 1692e(10) by falsely representing to Plaintiff that it could collect a debt that Defendant knew, or should have known, was included in Plaintiff's bankruptcy.

COUNT III

20- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

21- Defendant violated 15 USC § 1692f by unfairly and unconscionably trying to collect a debt that Defendant knew, or should have known, was included in Plaintiff's bankruptcy.

JURY DEMAND

22- Plaintiff demands a trial by jury.

PRAYER FOR RELIEF

23- Plaintiff prays for the following relief:

- a. Judgment against Defendant for Plaintiff's actual damages, as determined at trial, suffered as a direct and proximate result Defendant's violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(1);
- b. Judgment against Defendant for \$1,000 in statutory damages for Defendant's violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(2)(A);
- c. Judgment against Defendant for Plaintiff's reasonable attorneys' fees and costs incurred in this action, pursuant to 15 U.S.C. §1692k(a)(3);
- d. Any other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Meier LLC

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